

5746. Adulteration and misbranding of baked beans. U. S. * * * v. 50 Cases of Beans. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 8045. I. S. No. 10752-m. S. No. W-162.)

On January 31, 1917, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 50 cases of baked beans, remaining unsold in the original unbroken packages at Holbrook, Ariz., alleging that the article had been shipped on or about December 29, 1916, by the Ridenour Baker Co., Kansas City, Mo., and transported from the State of Missouri into the State of Arizona, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Gilt-Edge Brand Baked Beans."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance, and was unfit for consumption as food.

Misbranding of the article was alleged, in substance, for the reason that it was labeled and branded as "Baked Beans," and said label was false and misleading and such as to deceive and mislead the purchaser, in that the beans had not been baked, but on the contrary had been cooked by another and different process than by baking.

On March 22, 1917, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*